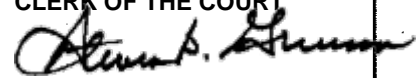


Exhibit D



1 **ANSC**
 2 Jack P. Burden, Esq.
 3 Nevada State Bar No. 6918
 4 Jacquelyn Franco, Esq.
 5 Nevada State Bar No. 13484
 6 Jessica Brown, Esq.
 7 Nevada State Bar No. 14487
 8 **BACKUS, CARRANZA & BURDEN**
 9 3050 South Durango Drive
 10 Las Vegas, NV 89117
 11 (702) 872-5555
 12 (702) 872-5545
 13 jburden@backuslaw.com
 14 Attorneys for Defendant,
 15 *The Vons Companies, Inc.*

DISTRICT COURT**CLARK COUNTY, NEVADA**

12 BEVERLY BECKWITH, individually,)	Case No.	A-21-834407-C
)		
13 Plaintiff,)	Dept.	IV
)		
14 vs.)		
)		
15 THE VONS COMPANIES; INC.,)		
16 individually; DOES I-X; and ROE)		
17 CORPORATIONS I-X, inclusive,)		
18 Defendants.)		

THE VONS COMPANIES, INC's ANSWER TO PLAINTIFF'S COMPLAINT

19 Defendant THE VONS COMPANIES, INC ("*Defendant*" and/or "*Vons*") by and through
 20 its counsel BACKUS, CARRANZA & BURDEN, hereby files its Answer to Plaintiff BEVERLY
 21 BECKWITH's Complaint on file herein, admitting, denying and alleging as follows:

22 1. Vons denies each of the allegations contained within the Amended Complaint
 23 unless admitted to or more specifically plead to below.

GENERAL ALLEGATIONS

24
 25
 26 2. In answering paragraphs 1, 3, 4, 5 and 6 of Plaintiff's Amended Complaint, this
 27 answering Defendant states that it is without sufficient knowledge or information necessary to
 28 form a belief as to the truth or falsity of the allegations contained therein, and upon said grounds

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1 form a belief as to the truth or falsity of the allegations contained therein, and upon said grounds
2 denies the same.

3 3. In answering paragraph 2 of Plaintiff's Complaint, VONS COMPANIES INC
4 admits that it is a corporation conducting business in Clark County, Nevada.

5 4. In answering paragraph 7 of Plaintiff's Complaint, VONS COMPANIES, INC
6 admits that it maintained and was in control of the interior of the subject store.

7 5. Defendant denies paragraphs 8, 9 and 10 of Plaintiff's Complaint.

8 **FIRST CAUSE OF ACTION**

9
10 6. In answering paragraph 11 of Plaintiff's Amended Complaint this answering
11 Defendant states that it is without sufficient knowledge or information necessary to form a belief
12 as to the truth or falsity of the allegations contained therein, and upon said grounds denies the
13 same.

14 7. In answering paragraph 12, VONS COMPANIES, INC admits to all duties
15 promulgated by Nevada law; however, it denies all wrongdoing alleged herein.

16 8. Defendant denies paragraphs 13, 14, 15, 16 and 17 of Plaintiff's Amended
17 Complaint.

18
19
20 **FIRST AFFIRMATIVE DEFENSE**

21 This answering Defendant alleges that Plaintiff has failed to state a claim upon which relief
22 may be granted.

23 **SECOND AFFIRMATIVE DEFENSE**

24 This answering Defendant alleges that the premises were in a reasonably safe condition for
25 use by patrons.

26
27 **THIRD AFFIRMATIVE DEFENSE**

28 This answering Defendant alleges that Plaintiff has failed to name a party necessary for full

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1 and adequate relief essential in this action.

2 **FOURTH AFFIRMATIVE DEFENSE**

3 This answering Defendant's actions or lack of actions did not proximately cause the
4 damages alleged by Plaintiff.

5 **FIFTH AFFIRMATIVE DEFENSE**

6 Plaintiff's alleged injuries, if any, pre-existed the claimed incident.

7 **SIXTH AFFIRMATIVE DEFENSE**

8 The damages to Plaintiff, if any, were proximately caused or contributed to by Plaintiff's
9 own negligence, fault or responsibility and such negligence, fault or responsibility must be
10 compared to that of this answering Defendant, if any is proven, in accordance with NRS 41.141.

11 **SEVENTH AFFIRMATIVE DEFENSE**

12 Plaintiff has failed to mitigate her damages.

13 **EIGHTH AFFIRMATIVE DEFENSE**

14 This answering Defendant alleges that the damages, if any, to Plaintiffs was, as alleged in
15 the Complaint, proximately caused by a new, independent and efficient intervening cause and not
16 by any alleged negligence on the part of this answering Defendant.

17 **NINTH AFFIRMATIVE DEFENSE**

18 Any and all damages allegedly incurred by Plaintiff was proximately caused by third
19 persons over whom Defendant has no authority or control.

20 **TENTH AFFIRMATIVE DEFENSE**

21 VONS alleges that at all times and places alleged in the Complaint, Plaintiffs did not
22 appreciate an open and obvious condition and failed to exercise ordinary care, caution or prudence
23 to avoid the loss herein complained of, and that same were directly and proximately contributed to
24 and caused by the negligence, misconduct and fault of the Plaintiff.

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ELEVENTH AFFIRMATIVE DEFENSE

Plaintiff is barred from recovering any special damages herein for failure to specifically allege the items of special damage claimed, pursuant to Nevada Rule of Civil Procedure 9(g).

TWELFTH AFFIRMATIVE DEFENSE

This answering Defendant hereby incorporates by reference those affirmative defenses enumerated in Rule 8 of the Nevada Rules of Civil Procedure as if fully set forth herein. In the event further investigation or discovery reveals the applicability of any such defenses, this answering Defendant reserves the right to seek leave of court to amend this Answer to the Complaint to specifically assert any such defense. Such defenses are herein incorporated by reference for the specific purpose of not waiving any such defenses.

THIRTEENTH AFFIRMATIVE DEFENSE

Pursuant to Rule 11 of the Nevada Rules of Civil Procedure, all possible affirmative defenses may not have been alleged herein insofar as sufficient facts were not available after reasonable inquiry upon filing of this Answer to the Complaint, and therefore this answering Defendant reserves its right to amend this Answer to the Complaint as additional information becomes available.

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WHEREFORE, Defendant Vons Companies, Inc., prays for judgment as follows:

1. That Plaintiff's Complaint for Damages is dismissed, that judgment is entered against Plaintiff and that Plaintiff takes nothing by way of her Complaint.
2. That the Defendant recovers from Plaintiffs all attorneys' fees and costs incurred in defending this action.
3. That the Court grants Defendant any and all other relief that the Court deems just and proper in the premises.

DATED this 2 day of June, 2021.

Respectfully Submitted,
BACKUS, CARRANZA & BURDEN

By: 

Jack P. Burden, Esq.
Jacquelyn Franco, Esq.
Jessica Brown, Esq.
3050 South Durango Drive
Las Vegas, NV 89117
Attorneys for Defendant *The Vons Companies, Inc.*

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CERTIFICATE OF SERVICE

I am a resident of and employed in Clark County, Nevada. I am over the age of 18 years and not a party to the within action. My business address is: 3050 South Durango Drive, Las Vegas, Nevada, 89117.

On June 2, 2021, I served this document on the parties listed on the attached service list via one or more of the methods of service described below as indicated next to the name of the served individual or entity by a checked box:

VIA U.S. MAIL: by placing a true copy thereof enclosed in a sealed envelope with postage thereon fully prepaid, in the United States mail at Las Vegas, Nevada. I am "readily familiar" with the firm's practice of collection and processing correspondence by mailing. Under that practice, it would be deposited with the U.S. Postal Service on that same day with postage fully prepaid at Las Vegas, Nevada in the ordinary course of business. I am aware that on motion of the party served, service is presumed invalid if postal cancellation date or postage meter date is more than one day after date of deposit for mailing an affidavit.

VIA FACSIMILE: by transmitting to a facsimile machine maintained by the attorney or the party who has filed a written consent for such manner of service.

BY PERSONAL SERVICE: by personally hand-delivering or causing to be hand delivered by such designated individual whose particular duties include delivery of such on behalf of the firm, addressed to the individual(s) listed, signed by such individual or his/her representative accepting on his/her behalf. A receipt of copy signed and dated by such an individual confirming delivery of the document will be maintained with the document and is attached.

BY E-MAIL: by transmitting a copy of the document in the format to be used for attachments to the electronic-mail address designated by the attorney or the party who has filed a written consent for such manner of service.

BY ELECTRONIC MEANS: by electronically filing and serving with the court's vendor.

ATTORNEYS OF RECORD	PARTIES REPRESENTED	METHOD OF SERVICE
Justin G. Randall, Esq. ER INJURY ATTORNEYS 4795 South Durango Drive Las Vegas, Nevada 89147 T: 702.968.7500 F: 702.989.0369	Plaintiff	<input type="checkbox"/> Personal service <input type="checkbox"/> Email service <input type="checkbox"/> Fax service <input type="checkbox"/> Mail service <input checked="" type="checkbox"/> Electronic Means

I declare that under penalty of perjury under the laws of the State of Nevada that the above is true and correct. I further declare that I am employed in the office of a member of the bar of this court at whose direction the service was made.

/s/ Anne Raymundo
An employee of BACKUS, CARRANZA & BURDEN

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